

FILED  
IN COURT  
CHARLOTTE, N. C.

MAR 31 2006

U. S. DISTRICT COURT  
W. DIST. OF N. C.

UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

MOTORSPORTS AUTHENTICS, LLC,  
NATIONAL ASSOCIATION FOR STOCK CAR  
AUTO RACING, INC., SPEEDWAY  
MOTORSPORTS, INC., SPEEDWAY  
PROPERTIES COMPANY, LLC,  
INTERNATIONAL SPEEDWAY  
CORPORATION, RCR ENTERPRISES, LLC,  
ROUSH CORPORATION, JOE GIBBS  
RACING, INC., HENDRICK MOTORSPORTS,  
INC., JEFF GORDON, INC., RUSTY  
WALLACE, INC., PENSKE RACING SOUTH,  
INC., PENSKE RACING LLC, DALE  
EARNHARDT, INC., EVERNHAM  
MOTORSPORTS, L.L.C., ROBERT YATES  
RACING, INC., MB2 MOTORSPORTS, LLC,  
and OAKLEY, INC.,

Plaintiffs,  
v.

THOMAS COTTNE, et al.,

Defendants.

Civil Action No. 3:06CV138-MU

Filed Under Seal

**PRELIMINARY INJUNCTION AND ORDER OF SEIZURE**

This Court issued on March 23, 2006, a Temporary Restraining Order, Order for Seizure of Counterfeit Marked Goods, and Order to Show Cause Re Preliminary Injunction ("TRO Seizure Order"). Plaintiffs served the TRO Seizure Order on four Defendants and attempted service on two others, and seized, pursuant to the terms of the TRO Seizure Order, approximately 866 items of counterfeit merchandise in possession of those Defendants. As ordered in the TRO Seizure Order, this matter came on for hearing on Friday, March 31, 2006, on Plaintiffs' application for a Preliminary Injunction and Order of Seizure. Plaintiffs appeared through counsel of record. There were no appearances on behalf of any Defendants in

opposition thereto, and no Defendant to date has answered, moved, or otherwise appeared or filed any papers regarding Plaintiffs' Verified Complaint or the TRO Seizure Order. Plaintiffs having demonstrated to the Court the need to continue the order of seizure previously granted, and a hearing on Plaintiffs' application having been conducted;

NOW, THEREFORE, based on the verified pleadings, declarations and other papers in the record, the Court makes the following findings of fact and conclusions of law.

1. Plaintiffs own or control each of the marks set forth in Exhibits 1 and 2 hereto ("Plaintiffs' Marks"). Plaintiffs' Marks are distinctive and are widely recognized by the public. Goods that bear any mark, word, or name identical or confusingly similar to any of Plaintiffs' Marks, without authorization from Plaintiffs, shall be known herein as the "Enjoined Goods."

2. All of Plaintiffs' Marks listed in Exhibit 1 are federally registered. All of Plaintiffs' Marks listed in Exhibit 2 are owned or controlled by Plaintiffs.

3. Plaintiffs have the exclusive right to apply and license others to apply Plaintiffs' Marks to goods and to use Plaintiffs' Marks in connection with rendering services.

4. Defendants are not licensed by Plaintiffs to use Plaintiffs' Marks.

5. It appears to this Court that Defendants are or will be present on the premises or within a ten-mile radius of racetracks where NASCAR Races shall be occurring, beginning April 2, 2006 – including Bristol Motor Speedway, Texas Motor Speedway, Darlington Raceway, Lowe's Motor Speedway, Dover International Speedway, Pocono Raceway, Infineon Raceway, Chicagoland Speedway, New Hampshire International Speedway, Indianapolis Raceway Park, Indianapolis Motor Speedway, Atlanta Motor Speedway, Daytona International Speedway, California Speedway, Martinsville Speedway, Phoenix International

Speedway, Talladega Superspeedway, Darlington Raceway, Richmond International Raceway, Michigan International Speedway, Watkins Glen International, Kansas Speedway and Homestead-Miami Speedway (collectively, "the Racetracks") – for the purpose of manufacturing, distributing, offering for sale, and selling Enjoined Goods.

6. The Enjoined Goods include goods bearing "counterfeit marks" within the meaning of 15 U.S.C. § 1116(d).

7. The sale of Enjoined Goods would cause confusion or mistake or be likely to deceive and would constitute trademark infringement under 15 U.S.C. § 1114.

8. Distribution, sale, or offering the sale of Enjoined Goods would constitute false designation of origin under 15 U.S.C. § 1125(a).

9. Under 15 U.S.C. § 1116(a), this Court has the power to enjoin trademark infringement under 15 U.S.C. §§ 1114 and 1125(a).

10. This Court has the power to grant an *ex parte* seizure order for goods bearing counterfeits of federally registered trademarks and service marks. 15 U.S.C. § 1116(d).

11. This Court has the power under Rule 65 of the Federal Rules of Civil Procedure, and under the All Writs Act, 28 U.S.C. § 1651, to grant an *ex parte* seizure order for goods that are infringing but not counterfeits within the meaning of 15 U.S.C. § 1116(d).

12. No order other than an *ex parte* seizure order would adequately achieve the objectives of the Lanham Act, 15 U.S.C. §§ 1114, 1116 and 1125(a).

13. Plaintiffs are likely to succeed in showing that Defendants have used and, unless enjoined, will continue to use counterfeit or infringing marks in connection with the sale, offering for sale or distribution of goods or services.

14. Notice of this Application need not be given to Defendants prior to *ex parte* hearing because: (a) the identities and whereabouts of many of the Defendants are currently unknown; (b) many of the Defendants have no business identity or stable place of business before or after the NASCAR Races and cannot be identified; and (c) Defendants who can be located and identified, if notified, likely will cause the immediate concealment or destruction of the Enjoined Goods or removal of the Enjoined Goods outside the access of this Court.

15. Plaintiffs will suffer immediate and irreparable injury and will have no adequate remedy at law if this Court declines to grant an *ex parte* seizure order.

16. The Enjoined Goods and other materials subject to this Seizure Order likely will emanate from this district and will be located on the premises or within a ten-mile radius of the racetracks where NASCAR Races shall be occurring, beginning April 2, 2006, as reflected in Exhibit 3 hereto.

17. The harm to Plaintiffs should this Court not grant the requested Seizure Order clearly outweighs any harm which the Defendants might incur if the Seizure Order is granted.

18. Plaintiffs have not publicized the requested seizure.

19. Plaintiffs have given reasonable notice of this Application to the United States Attorney for this District.

20. The file of this case has been sealed as required by 15 U.S.C. § 1116(d)(8).

21. Plaintiffs have complied with all statutory requirements for the issuance of an *Ex Parte* Seizure Order.

It is accordingly ORDERED and ADJUDGED that:

1. The Defendants, including the Defendants already served and various John and Jane Does and various XYZ Corporations, along with their partners, associates, agents, servants, employees, representatives, and assigns, and all others under their control or in active concert or participation with them, and all other persons and entities having actual knowledge hereof be, and the same hereby are, ENJOINED and RESTRAINED from:

- (a) Manufacturing, assembling, selling, offering for sale, distributing, or offering to distribute any Enjoined Goods which have not been authorized by Plaintiffs and which bear any of the trademarks and service marks of Plaintiffs set forth in Exhibits 1 and 2 hereto or any marks confusingly similar thereto;
- (b) Representing by any method whatsoever that the Enjoined Goods were sponsored, manufactured, sold, or licensed by Plaintiffs; and
- (c) Otherwise taking any action likely to cause confusion, mistake, or deception on the part of the public as to the origin of the Enjoined Goods.

2. Any federal, state, or local law enforcement officer, and/or Plaintiffs, and/or Plaintiffs' duly authorized trademark enforcement team, and/or all persons acting under the supervision and control thereof (collectively "Enforcement Officials") are hereby authorized and directed to seize and maintain in their custody and control any and all Enjoined Goods and counterfeit marks, and the means of making them, and records documenting the manufacture, sale or receipt of things relating thereto, in the possession, dominion, or control of Defendants, their agents or persons acting in concert or participation with them, including all such Enjoined Goods and counterfeit marks located in or on any containers, vessels, storage areas or motor vehicles, and all Enforcement Officials acting hereunder are further authorized, based on

probable cause, to enter into and upon, any such containers, vessels, storage areas or motor vehicles for the purpose of seizing any and all such Enjoined Goods and counterfeit marks contained therein.

3. Enforcement Officials may employ whatever reasonable force is necessary to open, enter, and inspect the contents of any such containers, vessels, storage areas, or motor vehicles – regardless of whether said containers, vessels, storage areas, or motor vehicles are locked or unlocked or occupied or unoccupied – and are authorized to detain said containers, vessels, storage areas, or motor vehicles if necessary to accomplish such seizure of the Enjoined Goods.

4. No Enforcement Official may open, enter into and upon, inspect the contents of, or, if necessary, detain, any container, vessel, storage areas, or motor vehicle unless s/he does so under the supervision of a sworn law enforcement officer.

5. Enforcement Officials acting hereunder are authorized and directed to carry out the foregoing on the premises or within a ten-mile radius of any ISC racetrack where a NASCAR race shall be occurring at any time during the duration of this Order, including as indicated in Exhibit 3 hereto, from forty-eight (48) hours before each qualifying race begins until twenty-four (24) hours following the completion of each main event race.

6. All Enjoined Goods, all means of making such Enjoined Goods, all records, and any other materials seized hereunder shall be delivered up to the care and custody of Plaintiffs or Plaintiffs' attorneys. The seized goods shall be kept in identifiable containers. If the Defendants from whom such merchandise is seized do not move for relief in accordance with this Order within sixty (60) days of said seizure, said merchandise shall be delivered up to Plaintiffs for destruction or other disposition.

7. Simultaneously with said seizure, or as soon thereafter as is practical under the circumstances, each Defendant shall be served with a copy of (i) this Order, including the notice in the form of Exhibit 4 attached hereto, and (ii) a Summons and the Verified Complaint in this action.

8. Defendants shall cooperate with the Enforcement Officials executing such seizure hereunder and shall provide the items sought to be seized wherever such items are maintained.

9. Defendants are hereby required to provide the persons executing this Order with correct names, residential and business addresses and telephone numbers, and other identifying information.

10. Anyone interfering with the execution of this Order is subject to arrest by law enforcement officials.

11. Any Defendant who is hereafter served with a copy of this Preliminary Injunction Order and Seizure Order who objects to the provisions hereof may submit his or her objections to this Court or otherwise move for relief from this Court according to the Federal Rules of Civil Procedure, but no such objection shall serve to suspend this Order or stay the terms hereof unless otherwise ordered by this Court.

12. The Injunction Bond posted by Plaintiffs on March 24, 2006, in the amount of \$5,000, shall remain in full force and effect throughout the duration of this Order.

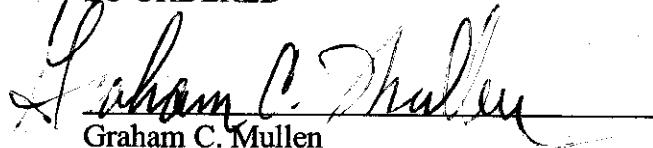
13. This Order shall expire thirty-six (36) hours after the final NASCAR Race listed in Exhibit 3 hereto.

14. This Order or copies hereof may be served by any person over the age of 18 years who is not a party to this action.

15. All persons who become aware of this action and Order are ORDERED not to reveal the existence of this action or Order to any other person, except that persons authorized to enforce this Order may reveal its existence and contents to the extent necessary to carry out their official duties, and Defendants may confer with their attorneys concerning this action.

Dated: March 31, 2006

SO ORDERED

  
Graham C. Mullen  
United States District Judge

**EXHIBIT 1**  
**(Corrected)**  
**REGISTERED MOTORSPORTS AUTHENTICS MARKS**

Mark	Reg. Date	Reg. No.	Class
(Stylized) A & FLAG Design	11/28/00	2,407,814	25
ACTION (BAR LOGO)	10/20/98	2,197,251	28
(Stylized) ACTION & FLAG Design	6/19/01	2,460,787	25
(Stylized) ACTION & FLAG Design	5/16/00	2,349,860	28
ACTION INTERACTIVE	2/15/00	2,319,034	35
ACTION RACING COLLECTABLES	7/8/03	2,734,404	28
ACTION RACING COLLECTABLES PLATINUM SERIES	10/13/98	2,194,882	28
AP	8/8/00	2,374,784	28
AP & Design	3/20/01	2,437,178	28
(Stylized) C FLAG Design	11/4/97	2,110,629	25
CHASE AUTHENTICS	12/30/97	2,126,349	25
CHASE RACEWEAR	2/10/98	2,136,155	25
COMPETITORS VIEW	2/24/98	2,139,738	25
GO RACING	6/12/01	2,458,888	41
GORACING.COM	12/9/03	2,790,386	35
GORACING.COM	7/23/02	2,597,840	28
GORACING.COM	10/29/02	2,642,412	16
MINICHAMPS	8/1/95	1,908,633	28
RCCA	12/24/02	2,666,030	16
RCCA	10/22/02	2,639,189	28
RCCA SELECTNET	8/8/00	2,374,787	28
REVELL/REVELL COLLECTION	10/1/85	1,363,578	28
SPEEDMALL	2/8/05	2,924,584	35
SPORTS IMAGE	8/3/93	1,785,198	25
TEAM CALIBER	1/16/01	2,421,505	28
TEAM CALIBER	1/30/01	2,425,271	28
TEAM CALIBER DIE CAST & FLAG Design	7/3/01	2,465,422	28
WINNER'S CIRCLE	11/18/97	2,114,796	28
WINNER'S CIRCLE & Design	11/29/05	3,020,814	24,25

## REGISTERED NASCAR MARKS

MARK	REG. NO.	REG. DATE	CLASS
Crew Chief Club & Design	2,464,093	06/26/01	16 25 41
GRAND AMERICAN	915,277	06/15/71	41
GRAND AMERICAN	1,137,042	06/17/80	41
GRAND AMERICAN ROAD RACING	2,762,082	09/09/03	9
GRAND AMERICAN ROAD RACING & Design	2,622,745	09/24/02	16
GRAND AMERICAN ROAD RACING & Design	2,829,531	04/06/04	16
GRAND AMERICAN ROAD RACING & Design	2,488,947	09/11/01	25
GRAND AMERICAN ROAD RACING & Design	2,478,556	08/14/01	41
GRAND AMERICAN ROAD RACING ASSOCIATION	2,643,423	10/29/02	41 42
GRAND NATIONAL	2,494,522	10/21/01	25
GRAND NATIONAL	914,501	06/08/71	42
How Bad Have You Got It?	2,664,304	12/17/02	25
Inside NASCAR	2,478,280	08/14/01	16 25
NASCAR Stylized "N"	3,011,506	11/01/05	35
NASCAR	1,908,112	08/01/95	06 09 12 14 16 18 21 24 25 27 28 30
NASCAR	2,082,197	07/22/97	42
NASCAR – Everything Else is Just a Game	1,973,218	05/07/96	41
National Association for Stock Car Auto Racing	1,860,041	10/25/94	41
NASCAR & Design	1,850,527	08/23/94	06 09 14 16 18 21 24 25 28 30 34
NASCAR & Design	1,054,100	12/07/76	41 42
NASCAR & Design	2,084,678	07/29/97	42
NASCAR & Design	0,990,987	08/13/74	41 42
NASCAR & Design	3,004,522	10/04/05	31
NASCAR ACCELERATION	3,024,814	12/06/05	41
NASCAR ADRENALINE	2,958,719	05/31/05	9
NASCAR BREAK ZONE & Design	3,051,781	01/24/06	35

Trademark	Reg. Date	Reg. No.	Class
NASCAR Café & Design	08/31/99	2,273,535	06 14 18 20 21 25 28 42
NASCAR Café	07/29/97	2,084,779	42
NASCAR.COM & Design	11/09/04	2,901,873	35
NASCAR.COM & Design	11/09/04	2,901,874	41
NASCAR.COM SUPERSTORE & Design	08/03/04	2,869,075	35
NASCAR Country	11/09/99	2,291,346	25 41
NASCAR DAY & Design	02/15/05	2,927,068	36
NASCAR – EVERYTHING ELSE IS JUST A GAME	05/07/96	1,973,218	41
NASCAR EXPRESS CUISINE & Design	02/21/06	3,061,265	35
NASCAR FAN SHOP & Design	09/07/04	2,881,007	35
NASCAR Garage (stylized) & Design	06/13/00	2,358,321	16 25 41
NASCAR IN CAR	03/11/03	2,695,418	38
NASCAR IN CAR & Design	05/31/05	2,958,576	38
NASCAR INSIDER	09/20/05	2,998,338	16
NASCAR INTERNATIONAL & Design	09/21/04	2,885,737	25
NASCAR International & Design	08/28/73	0,967,256	20
NASCAR International & Design	10/25/66	0,817,533	42
NASCAR LIBRARY COLLECTION & Design	07/26/05	2,976,180	16
NASCAR Live & Design	04/04/95	1,887,529	41
NASCAR NATION & Design	09/13/05	2,995,356	41
NASCAR OFFICIAL MEMBER & Design	08/17/04	2,873,615	16 200
NASCAR PERFORMANCE & Design	05/18/04	2,842,756	16
NASCAR PERFORMANCE & Design	05/18/04	2,842,757	41
NASCAR PERFORMANCE NETWORK & Design	08/30/05 06/07/05	2,989,007 2,959,041	25 35
NASCAR Racers	12/11/01	2,518,303	28
NASCAR Racers & Design	12/18/01	2,520,881	41
NASCAR RACERS & Design		2,810,889	9
NASCAR RACERS & Design	04/02/02	2,556,756	16
NASCAR Revolution &	05/09/00	2,348,513	09

Trade Name	Reg. Date	Reg. No.	Class
Design			
NASCAR Rocks	01/16/01	2,422,002	41
NASCAR Rocks America & Design	01/16/01	2,422,058	09 16 25 28 41
NASCAR Silicon Motor Speedway & Design	05/22/01	2,453,439	25 41
NASCAR Speedpark & Design	06/29/99	2,258,155	08 20 21 26
NASCAR SPEEDPARK & Design	01/06/04	2,801,652	25 41
NASCAR SPEEDPARK & Checkered Flag Design	11/09/04	2,901,876	41
NASCAR THUNDER THE OFFICIAL STORE OF NASCAR & Flag/Thunderbolt Design	10/09/01	2,495,254	25 28
NASCAR THUNDER THE OFFICIAL STORE OF NASCAR & Car/Thunderbolt Design	10/02/01	2,493,759	25 28 35
NASCAR THUNDER THE OFFICIAL STORE OF NASCAR & Car/Thunderbolt Design	09/25/01	2,491,670	25 28 35
NASCAR TIMELESS	05/31/05	2,958,713	41
NASCAR Today & Design	04/04/95	1,887,528	41
NASCARTOON RACING	10/04/05	3,005,152	41
NASCARTOON RACING & Design	12/06/05	3,024,661	41
NASCAR Transcon Series	04/30/96	1,971,730	41
NASCAR Trucks & Design	01/19/01	2,420,020	12 25
NASCAR TV & Design		2,881,008	38
NASCAR Winter Heat	12/31/96	2,026,304	41
NASKART		2,333,441	25
NASKART	10/15/02	2,635,539	12 25
NASKIDS	05/19/98	2,159,220	25 41
NATIONAL ASSOCIATION FOR STOCK CAR AUTO	10/25/94	1,860,041	41

Trademark	Reg. Date	Reg. No.	Class
RACING			
ON TRACK FOR CHARITY & Design	01/24/06	3,047,294	36
The Sight, Sound Emotion of NASCAR	12/02/03	2,788,562	9 41
RACE TO THE CHASE	01/24/06	3,051,718	41
THE CHASE	12/06/05 11/08/05	3,024,807 3,014,033	16 41
THEY'RE ON THEIR WAY	09/27/05	3,002,921	35
TURN4	01/23/01	2,424,045	1
WE'VE GOT SOMETHING TO PROVE	06/07/05	2,961,419	35
WHERE FAMILY FUN IS MEASURED IN "SMILES" PER HOUR	01/02/01	2,417,856	25 41

### REGISTERED SMI MARKS

Trademark	Reg. Date	Reg. No.	Class
FANS FIRST	8/9/05	2,982,614	35

### REGISTERED SPC MARKS

Trademark	Reg. Date	Reg. No.	Class
ATLANTA MOTOR SPEEDWAY	6/25/96	1,981,905	21, 25, 41
ATLANTA MOTOR SPEEDWAY and Design	10/13/92	1,723,906	25, 41
BRISTOL MOTOR SPEEDWAY	11/27/01	2,511,312	06, 08, 14, 16, 20, 21, 24, 25, 28
CHARLOTTE MOTOR SPEEDWAY	12/13/83	1,261,202	41
LAS VEGAS MOTOR SPEEDWAY	10/3/00	2,390,864	41

LUG NUT	5/7/96	1,972,391	25, 41
LUG NUT and Design	10/3/95	1,923,808	25, 41
LUG NUT and Design	12/26/95	1,943,831	25, 41
Miscellaneous Design (racing car and broken circle)	1/17/84	1,264,512	41
Miscellaneous Design (spark plug cowboy)	2/22/00	2,320,424	41
SEARS POINT RACEWAY	10/5/99	2,282,494	41
SEARS POINT RACEWAY and Design	10/5/99	2,282,495	41
SPARKY	12/7/99	2,297,669	41
SPEEDWAY MOTORSPORTS	10/19/04	2,894,951	41
TEXAS MOTOR SPEEDWAY	7/30/02	2,603,024	06, 14, 16, 20, 21, 24, 25, 28, 41
THE GREAT AMERICAN SPEEDWAY (Stylized)	5/10/05	2,947,200	41
TMS	6/27/00	2,363,334	25, 41

### REGISTERED ISC MARKS

Trademark	Reg. Date	Reg. No.	Class
1-800-PITSHOP.COM	08/29/03	2,744,402	35
1-800-PITSHOP.COM & Design		2,823,917	35
(2) Design Only	04/10/01	2,442,989	06 21 25 27 41
(2) Design Only	01/21/97	2,032,769	25
24 Hours of Daytona	10/19/76	1,050,968	41
Acceleration Alley	06/10/03	2,725,363	41
Americrown & Design	07/04/95	1,903,166	42
Americrown Service Corporation & Design	07/11/95	1,904,773	42
CALIFORNIA 500	07/16/02	2,594,484	41

CENTENNIAL OF SPEED			
CENTENNIAL OF SPEED	07/29/03	2,744,624	9
CENTENNIAL OF SPEED	07/29/03	2,744,621	16
CENTENNIAL OF SPEED	07/29/03	2,744,623	25
CENTENNIAL OF SPEED	07/29/03	2,744,619	28
CENTENNIAL OF SPEED	07/29/03	2,744,622	41
CENTENNIAL OF SPEED & Design	07/29/03	2,744,620	41
CHICAGOLAND SPEEDWAY	11/25/03	2,785,199	6,12,14,16,20,21,2 4,25,28,34
	09/10/02	2,616,096	41
CHICAGOLAND SPEEDWAY & Design	12/16/03	2,793,390	6,12,14,16,20,21,2 4,25,28,34
	01/21/03	2,675,809	41
Copper World Classic	05/20/97	2,062,689	25 41
Darlington	02/07/95	1,877,389	6 21 25 28 34 41
Darlington Raceway	10/12/82	1,212,760	41
Darlington Too Tough to Tame & Design	01/12/99	2,217,013	16 21 24 25 28
Daytona	09/08/00	2,383,487	9
Daytona	07/13/04	2,861,844	25
Daytona	03/11/97	2,042,836	42
Daytona	04/29/97	2,056,613	30
Daytona	03/22/94	1,827,196	06 16 18 20 21 24 25 28 34 41
Daytona	02/22/83	1,228,337	09
Daytona & Design	06/30/87	1,445,066	14 25 26 41
Daytona & Design	11/08/94	1,861,606	06 16 20 21 24 28 30 34
Daytona & Design	07/18/00	2,368,947	03
Daytona & Design	03/11/97	2,042,834	42
DAYTONA (Stylized) & Design	04/09/96	1,966,058	9
Daytona 200	10/19/76	1,050,970	41
Daytona 500	07/24/73	964,900	41
Daytona 500	03/22/94	1,827,197	06 21 25 28 34
DAYTONA & Flags Design		2,524,170	9
Daytona at the Speed of Light & Design	08/28/01	2,481,362	41
	04/23/02	2,564,163	25
	04/30/03	2,564,164	14
		2,565,725	14
Daytona Club & Design	08/28/01	2,481,304	41
Daytona Dream Laps	07/29/03	2,743,655	41
Daytona International	06/11/74	986,222	41

ITEMS				
Speedway				
Daytona International Speedway	02/01/94	1,819,018	25 28 34	
Daytona International Speedway & Design	03/29/83	1,232,848	25	
DAYTONA MOTORCYCLE MARKETPLACE & Design	01/31/06	3,056,539	35	
Daytona Pit Shop	06/20/95	1,901,330	42	
DAYTONA PROTOTYPES		2,887,110	41	
Daytona Speedwear	11/01/94	1,861,408	25	
Daytona Speedweeks	01/24/95	1,875,314	25 41	
Daytona USA	02/22/94	1,822,849	25 41	
Daytona USA & Track Design	10/21/97	2,103,981	41	
DAYTONA USA GEARED FOR LEARNING & Design	11/05/02	2,646,171	41	
Daytona USA the Ultimate Motorsports Attraction & Design	12/02/97	2,117,720	41	
FANS "R" 1 <sup>ST</sup> @ DAYTONA & Design	10/18/05	3,007,347	41	
FINGER LAKES WINE FESTIVAL & Design	06/07/05 06/28/05	2,961,398 2,964,420	16 25	
Flags Design	04/10/01	2,442,989	06 21 25 27 41	
Furled Flag Design	04/15/86	1,389,976	25 26	
Gallery of Legends Book	08/20/96	1,995,239	16	
Grand Prix of Miami	06/23/92	1,696,558	41	
GREAT AMERICAN RACE		1,738,576	35 41	
Homestead Miami Speedway & Design	09/04/01	2,486,905	6 9 21 25 28 41	
INTERNATIONAL SPEEDWAY RACE REWARDS & Design	08/16/05	2,985,903	35	
ISC & Design	03/11/03	2,695,649	16	
ISC A Motorsports Entertainment Company & Design	05/04/99	2,243,245	16 41	
Kansas Speedway & Design	09/03/02 02/12/02	2,615,647 2,538,612	6 9 34 41 21 25 28	
LAPS	02/01/05	2,924,003	35	
M Michigan International Speedway & Design	05/01/00	1,593,801	06 14 16 21 24 25 41	
MARTINSVILLE SPEEDWAY	12/27/05	3,035,393	41	

ORGANIZATION	REG. DATE	REG. NO.	REG. CLASS
MARTINSVILLE SPEEDWAY & Design	09/26/95	1,922,553	41
MIAMI GRAND PRIX & Design	03/12/85	1,325,204	41
Michigan 500	09/03/85	1,358,507	41
Michigan International Speedway	08/20/85	1,355,877	41
Michigan International Speedway & Design	09/02/03 10/28/03 09/02/03 09/02/03 12/02/03 09/02/03 09/02/03 09/02/03 10/28/09 01/13/04	2,759,346 2,778,171 2,759,347 2,759,348 2,789,131 2,759,350 2,759,349 2,759,360 2,778,174 2,805,216	6 9 14 16 18 20 21 25 28 41
MIS	07/09/85	1,348,660	41
MRN	08/20/02	2,609,483	41
MOTORSPORTS IMAGES AND ARCHIVES & Design	06/07/05 06/07/05 04/26/05	2,959,615 2,959,616 2,943,786	40 41 42
Nazareth Speedway	11/05/96	2,013,023	41
Nazareth Speedway & Design		2,735,318	41
Nazareth Speedway & Design		2,626,466	25
P Pennsylvania International Raceway & Design	06/20/89	1,544,520	25 41
Pennsylvania International Raceway	04/11/89	1,534,870	25 41
Phoenix International Raceway	02/21/95	1,879,804	25 41
Phoenix International Raceway		1,873,902	25 41
Phoenix International Raceway & Design	10/02/01	2,494,674	9 21 25 28 34 41
PITNOTE PRESS & Design	01/10/06	3,041,212	16
RACINGONE.COM	03/19/02	2,549,934	41

Event Name	Date	Prize Money	Prize Money
RACING ONLY TWISTED & Design	02/07/06	3,057,539	41
RACING PERFECTION	10/11/05 10/11/05 10/25/05 10/25/05 10/25/05	3,006,627 3,006,629 3,009,637 3,009,638 3,009,621	6 16 21 25 41
RICHMOND INTERNATIONAL RACEWAY	06/11/02 02/11/03	2,577,831 2,685,368	25 41
Richmond International Raceway & Design	07/29/03 10/21/03 07/23/02 11/11/02 10/22/02 03/18/03 07/23/02 07/23/02 08/05/03 08/19/03	2,743,159 2,776,188 2,813,412 2,599,136 2,782,391 2,640,622 2,698,398 2,599,140 2,599,139 2,747,930 2,753,703	6 9 12 14 16 18 20 21 25 28 41
RICHMOND RACEWAY COMPLEX & Design	07/29/03	2,743,167	41
RIR Richmond International Raceway & Design	01/02/90	1,575,629	41
Southern 500	09/22/81	1,170,618	41
Speediatrics	07/08/02	2,528,102	16 25 36 42
SPEEDPLEX	03/25/03	2,701,018	36
Speedweeks	01/31/95	1,876,696	25 41
SUMMER SPEEDWEEK	07/06/04	2,861,015	41
Talladega	02/08/94	1,819,675	25 41
TALLADEGA SERIES	06/18/96 07/09/02	1,980,408 2,590,314	12 12
TALLADEGA SERIES WIDE RIDE	07/09/02	2,590,313	12
Talladega Superspeedway	02/15/94	1,821,392	21 25 28 41
Talladega Superspeedway & Design	07/17/01	2,470,093	28
Talladega Superspeedway & Design	07/17/01	2,470,639	6 9 21 25 34 41

Trademark	Reg. Date	Reg. No.	Class
The Action Track	08/11/92	1,707,301	41
The California Speedway	07/07/98	2,172,042	41
The Glen	10/31/95	1,930,399	25
The Glen	10/23/01	2,500,410	41
THE GREAT AMERCIAN RACE	10/19/04 05/17/05	2,894,279 2,950,870	41
THE LADY IN BLACK	12/27/05	3,035,437	41
Too Tough to Tame	12/09/86	1,419,948	14 16 20 25 26 41
Too Tough to Tame	02/22/94	1,822,316	06 21
Tornado Alley	10/08/02	2,633,597	30
TRACKSIDE SCRAPBOOK & Design		2,848,997	9 16
Truxpo Truck Tour & Design	06/26/01	2,464,636	16 21 25 41
Vehicle Design (Bluebird V)	01/21/97	2,032,769	25
Velocitorium	08/24/99	2,272,557	41
Watkins Glen	09/20/94	1,854,609	16 24 25 28 41
Watkins Glen & Design	01/03/95	1,871,381	25 28
Watkins Glen & Design	04/30/85	1,333,697	41
Watkins Glen International	11/08/94	1,862,034	41
Watkins Glen International	10/22/85	1,366,768	25 26
Watkins Glen New York's Thunder Road & Design	10/01/02	2,628,580	16 25 28 41
World Center of Racing	09/25/84	1,298,117	41
World Center of Racing	02/22/94	1,822,848	25

### REGISTERED RCR MARKS

Trademark	Reg. Date	Reg. No.	Class
3 (Stylized)	07/23/96	1,988,137	6 8 9 14 16 18 20 21 24 25 28 41
29 (Stylized)	01/13/04	2,804,708	6 8 9 11 12 14 16 18 20 21 24 25 26 28 34 41
29 (Stylized)	12/30/03	2,801,381	9
29 (Stylized)	10/11/05	3,006,336	21
29 (Stylized)	12/30/03	2,801,382	24
29 (Stylized)	04/26/05	2,944,765	25

RCR and Design	09/03/96	1,998,337	21
RCR and Design	08/13/96	1,993,627	28
RCR and Design	09/17/96	2,000,747	6 8 14 16 25 41

### REGISTERED ROUSH MARKS

Trademark	Reg. Date	Reg. No.	Classes
Stylized Number "6" (Round Edges)	12/17/02	2,662,012	6 9 14 16 18 20 21 24 25 28 41
Stylized Number "16"	06/09/98	2,163,088	6 9 14 16 20 21 25 26 28
Roush and Design	07/07/98	2,170,653	7 12
Stylized Number "60"	09/15/98	2,188,704	9 14 16 18 20 21 25 26 28
J.R.'s Garage	11/02/99	2,289,735	16 24 25 28 35
J.R.'s Garage Logo	09/14/99	2,276,964	16 24 25 28 35
Stylized Number "99"	10/05/99	2,282,413	6 9 14 16 20 21 26
Stylized Number "99"	03/16/04	2,822,020	6 9 14 16 18 20 21 24 28 41
Roush Racing	08/31/99	2,273,302	35 42
Stylized Number "97"	07/11/00	2,365,599	6 8 9 14 16 18 20 21 25 26 28
Stylized Number "50"	08/28/01	2,481,134	16 21
Stylized "6" (Jagged Edges)	03/14/00	2,327,805	9, 14, 16, 18, 20, 21, 26
Stylized "6" (Jagged Edges)	04/23/02	2,563,088	25
Stylized "60" (Round Edges)	03/05/02	2,544,774	16, 20, 24, 25, 28
ROUSH RACING and Design	04/24/01	2,446,201	35, 42
WHITE KNUCKLE	12/26/00	2,416,519	28
WHITE KNUCKLE RACING and Design	06/26/01	2,464,427	28

### REGISTERED JGR MARKS

Trademark	Reg. Date	Reg. No.	Classes
Joe Gibbs Racing	11/28/00	2,408,260	6 9 16 19 20 21 24 25 35

Joe Gibbs Racing (design)	8/30/94	1,851,538	25, 41
Stylized Number "18"	11/28/00	2,408,256	6 9 10 14 16 18 19 20 21 24 25 27 28 41
Stylized Number "20"	11/28/00	2,408,275	6 9 10 14 16 18 19 20 21 24 25 27 28 41
Tony Stewart <sup>1</sup>	5/29/01	2,454,637	6 9 10 14 16 18 19 20 21 24 25 27 28 41

<sup>1</sup> Licensed from Tony Stewart

### REGISTERED HMI MARKS

Trademark	Registration	Registration	Class
Stylized Number "5"	8/8/00	2,374,202	41
Stylized Number "5"	12/7/99	2,297,205	5 6 9 10 12 14 16 18 20 21 24 25 26 28 35 41
Stylized Number "24"	12/2/97	2,117,341	5 6 8 9 10 11 12 14 16 18 20 21 24 25 26 27 28 34 35 41
Stylized Number "24"	1/5/99	2,216,496	41
Stylized Number "25"	12/30/97	2,124,794	6 9 10 12 14 16 18 20 21 24 25 26 28 34 35 41
Stylized Number "25"	1/5/99	2,216,494	41
Stylized Number "48"	11/30/04	2,906,149	6 9 12 14 16 18 19 20 21 24 25 26 28 35 41
Hendrick Motorsports	9/9/97	2,094,282	6 14 16 20 25 26 28 35 41
Terry Labonte <sup>1</sup>	9/28/99	2,280,390	6 8 9 10 11 12 13 14 16 18 20 21 24 25 26 28 41
Brian Vickers <sup>2</sup>	10/12/04	2,893,388	16 41
Brian Vickers Signature <sup>2</sup>	8/3/04	2,869,705	16 25 41
Jimmie Johnson Signature <sup>3</sup>	1/7/03	2,672,802	41

<sup>1</sup> Licensed from Terry Labonte, Inc.

<sup>2</sup> Licensed from Brian Vickers, LLC

<sup>3</sup> Licensed from Jimmie Johnson Racing, Inc.

### REGISTERED JGI MARKS

Trademark	Registration	Registration	Class
Jeff Gordon	3/26/96	1,964,012	6 9 14 16 21 25 28 41
Gordon	6/11/02	2,579,120	16 41

Jeff Gordon Signature	1/10/06	3,040,770	6 9 14 16 21 25 28 41
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### REGISTERED RWI MARKS

Trademark	Reg. Date	Reg. #	Classes
Rusty Wallace	5/28/96	1,976,546	9 14 16 20 21 24 25 27 28
Rusty Wallace (stylized)	12/12/95	1,940,836	9 14 16 20 21 24 25 27 28

### REGISTERED PRS MARKS

Trademark	Reg. Date	Reg. #	Classes
Stylized Number "2"	9/2/97	2,092,866	9 14 16 20 21 24 25 27 28
Penske Racing & Design	07/02/74	987,507	35 37 42
Stylized Number "12"	04/01/03	2,701,716	6 9 12 14 16 20 21 24 25 26 28 41
	09/28/04	2,888,413	25
Ryan Newman <sup>1</sup>	3/27/01	2,438,603	41

<sup>1</sup> Licensed from Ryan J. Newman

**REGISTERED DEI MARKS**

Trademark	Reg. Date	Reg. No.	Class
DALE EARNHARDT <sup>1</sup>	5/14/91	1,644,237	6, 8, 16, 25, 26, 28, 41
DALE EARNHARDT (Signature) <sup>1</sup>	2/4/97	2,035,107	6, 8, 14, 16, 21, 24, 25, 28, 41
DALE EARNHARDT JR. <sup>1</sup>	1/14/03	2,673,722	5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 30, 41
DALE EARNHARDT JR (Stylized) <sup>1</sup>	1/14/03	2,673,723	5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 30, 41
SUNDAY MONEY <sup>1</sup>	4/6/04	2,830,257	16, 28
INTIMIDATOR <sup>2</sup>	11/2/04	2,898,417	6
THE INTIMIDATOR <sup>1</sup>	9/2/97	2,092,602	24, 25
1 (Block Letter)	10/1/02	2,628,500	6, 8, 9, 14, 16, 18, 20, 21, 24, 25, 28, 35, 41
8 (Stylized)	12/02/03	2,787,856	5, 6, 8, 9, 11, 12, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 41

<sup>1</sup> Licensed from Teresa H. Earnhardt<sup>2</sup> Licensed from RDE Administrative Trust**REGISTERED EVERNHAM MARKS**

Trademark	Reg. Date	Reg. No.	Class
“E” & Design (Stylized)	4/11/2000	2,586,165	6 7 12 16 21 24 25 28 41
“E” & Design (Stylized)	9/9/2003	2,762,756	14
9 (Stylized)	4/4/2000	2,663,872	6
9 (Stylized)		2,689,409	5
9 (Stylized)	12/17/2002	2,663,872	12 14 16 21 24 25 28 41
19 (Stylized)	6/25/2002	2,586,166	12 14 16 21 24 25 28 41
19 (Stylized)	10/15/2002	2,636,322	6
EVERNHAM MOTORSPORTS	6/18/2002	2,583,268	6 12 14 16 21 24 25 28

**REGISTERED RYR MARKS**

Reg. Serial No.	Reg. Date	Reg. No.	Class
ROBERT YATES RACING & Design (Stylized)	8/31/1993	1,790,768	41

**REGISTERED OAKLEY MARKS**

Reg. Serial No.	Reg. Date	Reg. No.	Class
OAKLEY	1/10/1989	1,519,823	18
OAKLEY (Stylized)	1/10/1989	1,519,596	9
OAKLEY	1/24/1989	1,521,599	9
OAKLEY	1/31/1989	1,522,692	25
OAKLEY	1/16/1999	2,293,046	25
OAKLEY	11/16/1999	2,293,046	25
OAKLEY (Stylized)	8/27/85	1,356,297	9 12 25
OAKLEY (Stylized)	6/11/1996	1,980,039	9 25
O OAKLEY (Stylized)	7/30/1996	1,990,262	9 25
O	9/10/2002	2,616,423	9 28
O (Stylized)	4/1/2003	2,702,378	9 25
O (Stylized)	7/2/1996	1,984,501	25
O (Stylized)	3/24/1998	2,146,295	9
O (Stylized)	12/1/1998	2,207,455	18
O (Stylized)	12/8/1998	2,209,416	9 25
O (Stylized)	12/14/1999	2,300,245	25
O (Stylized)	2/29/2000	2,324,386	25

**EXHIBIT 2**  
**(Corrected)**

**UNREGISTERED MOTOSPORTS AUTHENTICS MARKS**

ACTION SPORTS IMAGE  
BROOKFIELD COLLECTORS GUILD  
CRUZ'N CLASSICS  
FAN FUELER  
IMAGE WORKS  
LITTLE CREW  
M-CAR  
OWNER'S SERIES  
PERFORMANCE PLUS  
PIT STOP  
PREFERRED SERIES

**UNREGISTERED NASCAR MARKS**

CHAMPIONS WEEK  
CHASE FOR THE CHAMPIONSHIP  
CHASE FOR THE CUP  
CHASE FOR THE NASCAR CHAMPIONSHIP  
CHASE FOR THE NASCAR CUP  
CHASE RACE  
FOR ALL THE RIGHT REASONS  
GET IN  
High Banks  
High Banx  
NASCAR HALL OF FAME  
NASCAR OUTDOORS  
NASCAR PERFORMANCE NETWORK  
NASCAR TIMELESS  
NASCAR. Your Car  
NASCAR Broadcasting  
NASCAR CAFÉ & Design  
NASCAR Digital Entertainment  
NASCAR DRIVEN TO WIN  
NASCAR Fan Club  
NASCAR Images  
NASCAR Knows. Now you Know.  
NASCAR North  
NASCAR Official Member & Design

NASCAR OUTDOORS & Design  
NASCAR PRESEASON THUNDER & Design  
NASCAR RACEPOINTS & Design  
NASCAR STREET TOUR & Design  
NASCAR Tech  
NASCAR Tech Club  
NASCAR Technical Institute  
NASCAR TV & Design  
NASCAR USA  
NASCAR VIRTUAL DRIVER  
ONE NIGHT. ONE WINNER. ONE MILLION DOLLARS  
PACE LAP  
RACEPOINTS  
RACE TO THE CHASE FOR THE CUP  
RACE TO THE CHASE FOR THE NASCAR CUP  
SPEED IN THE CITY  
THE NASCAR FOUNDATION & Design  
THE RACE  
The Voice of NASCAR  
You've Got It Bad

#### **UNREGISTERED SMI MARKS**

**SEAL OF CHAMPIONS, SPEEDWAY MOTORSPORTS, INC. and Design – Registration Pending**  
**THE OFFICIAL SEAL OF RACING and Design – Registration Pending**

#### **UNREGISTERED SPC MARKS**

AMS – (registered in the state of Georgia)

#### **UNREGISTERED ISC MARKS**

A Motorsports Entertainment Company  
Alabama 500  
America's Ultimate Race Place  
At the Speed of Light  
Big and Bold  
California

California Dragway

California Speedway

CLUB 24

**DARE TO SIT THERE**

Darlington Raceway – Where NASCAR's Stars Earn Their Stripes

Darlington A NASCAR Tradition

Darlington stripe logo

Darlington Too Tough to Tame

**DAYTONA**

Daytona Continental Historics

Daytona USA Geared for Learning & Design

**DUEL AT DAYTONA**

**EVENTDAY MEDIA**

EVENT SOLUTIONS & Design

**FIRE CRACKER 400**

**FINGER LAKES WINE FESTIVAL**

FLAGS Design

Gallery of Legends

High Banks of Daytona

High Banks of Talladega

Homestead

Homestead Miami Speedway

Irish Hills

It's All Good

**Kansas**

Kansas Speedway

**KICKSTAND CITY**

**KICKSTAND CITY & Design**

Live the Race

Martinsville Speedway

Michigan

**MIS**

Michigan Speedway

Most Competitive Track

**MRN MOTOR RACING NETWORK**

**MRN RADIO**

Nazareth

New York's Thunder Road

Paul Revere

**PAUL REVERE 250**

Phoenix

PIR

Pit Road Preview

RACETICKETS.COM & Design

Racing at the Rock

RACINGONE

Racing's Tropical Paradise

Richmond

Richmond International Raceway

RIR

Richmond Raceway Complex

Solid Racing at the Rock

Speedplex

SPEEDSTOCK

SPEEDWAY PRINCESS

Speed Weeks

The 500

The Action Track

The Desert Jewel

The Rock

The Track That Will Blow You Away

The Ultimate Motorsports Attraction

Too Tough to Tame

Track Attack

Track Attack Weekend

Truxpo

Truxpo Tour

Under the Lights

Watkins Glen

Watkins Glen Grand Prix

Watkins Glen International & Design

WHERE FANS GET IT DONE

Where Guests Have ALWAYS Come First

White Knuckle Weekend

World's Biggest & Fastest Track

Event names and logos for all NASCAR NEXTEL Cup Series and Busch Grand National Series races and all associated motorsports activities during the 2006 season

## **UNREGISTERED RCR MARKS**

**29 (Stylized) – Registration pending for Classes 16 and 18**

**30 (Stylized)**

**31 (Stylized) – Registration pending**

**33 (Stylized)**

## **UNREGISTERED ROUSH MARKS**

**Stylized Number “17” – Registration Pending**

**Stylized Number “26” – Registration Pending**

**Stylized Number “06” – Registration Pending**

Identity, trade dress and likeness of #6 NEXTEL Cup race car and related elements

Identity, trade dress and likeness of #17 NEXTEL Cup race car and related elements

Identity, trade dress and likeness of #99 NEXTEL Cup race car and related elements

Identity, trade dress and likeness of #26 NEXTEL Cup race car and related elements

Identity, trade dress and likeness of #16 NEXTEL Cup race car and related elements

Identity, trade dress and likeness of #50 Craftsman Truck Series race car and related elements

Identity, trade dress and likeness of #99 Craftsman Truck Series race car and related elements

Identity, trade dress and likeness of #6 Craftsman Truck Series race car and related elements

Identity, trade dress and likeness of #60 Busch Series race car and related elements

Identity, trade dress and likeness of #06 Busch Series race car and related elements

Identity, trade dress and likeness of #50 Busch Series race car and related elements

Identity, trade dress and likeness of #16 Busch Series race car and related elements

Identity, trade dress and likeness of #17 Busch Series race car and related elements

Identity, trade dress and likeness of #6 Busch Series race car and related elements

## **UNREGISTERED JGR MARKS**

Stylized "11"

Identity, trade dress and likeness of #11, #18 and #20 NEXTEL Cup race cars and any and all related uniforms, helmets, haulers, pit crews, pit wagons and equipment elements and effects, each with primary and associate sponsor logos

Licensed from Tony Stewart:

Tony Stewart likeness

Licensed from J.J. Yeley:

J.J. Yeley name and likeness

Licensed from Denny Hamlin:

Denny Hamlin name and likeness

## **UNREGISTERED HMI MARKS**

Identity, trade dress and likeness of #5, #24, #25 and #48 NEXTEL Cup race cars and any and all related uniforms, helmets, haulers, pit crews, pit wagons and equipment elements and effects, each with primary and associate sponsor logos

Licensed from Terry Labonte, Inc.:

Terry Labonte likeness

Terry Labonte signature in any form or fashion

Licensed from Brian Vickers LLC:

Brian Vickers name

Brian Vickers likeness

Brian Vickers signature in any form or fashion

Licensed from Kyle Busch:

Kyle Busch name

Kyle Busch likeness

Kyle Busch signature in any form or fashion

Licensed from Jimmie Johnson Racing, Inc.:

Jimmie Johnson name

Jimmie Johnson likeness

#### **UNREGISTERED JGI MARKS**

Jeff Gordon likeness

Stylized "G"

#### **UNREGISTERED RWI MARKS**

Rusty Wallace likeness

Rusty Wallace signature in any form or fashion

#### **UNREGISTERED PRS MARKS**

Identity, trade dress and likeness of #2 and #12 NASCAR NEXTEL Cup race cars and any and all related uniforms, helmets, haulers, pit crews, pit wagons and equipment elements and effects, each with primary and associate sponsor logos

Licensed from Ryan Newman:

Ryan Newman likeness

Ryan Newman signature in any form or fashion

Licensed from Kurt Busch:

Kurt Busch likeness

Kurt Busch signatures in any form or fashion

### **UNREGISTERED DEI MARKS**

DALE JR.<sup>1</sup>

DR. DALE'S<sup>1</sup> – Registration Pending

INTIMIDATORS<sup>1</sup> – Registration Pending

KANNAPOLIS INTIMIDATORS<sup>1</sup> – Registration Pending

DALE EARNHARDT Silhouette (Design)<sup>1</sup> – Registration Pending

DALE EARNHARDT Silhouette & E (Design)<sup>1</sup> – Registration Pending

DALE EARNHARDT & Silhouette & E (Design)<sup>1</sup> – Registration Pending

THE DALE EARNHARDT FOUNDATION & Design<sup>1</sup> – Registration Pending

DALE EARNHARDT, INC. COMPASS (Design)

15 (Stylized)

RACE CAR STRIPE (Design)

Dale Earnhardt Likeness<sup>1</sup>

Dale Earnhardt, Jr. Likeness<sup>2</sup>

Trade Dress and Likeness of the #1 Winston Cup/Nextel Cup Race Car

Trade Dress and Likeness of the #8 Winston Cup/Nextel Cup Race Car

Trade Dress and Likeness of the #15 Winston Cup/Nextel Cup Race Car

<sup>1</sup> Licensed from Teresa H. Earnhardt

<sup>2</sup> Licensed from JR Motorsports LLC

### **UNREGISTERED RYR MARKS**

Stylized Number “88”

Stylized Number “38”

Stylized Number “90”

Licensed from Dale Jarrett Inc.:

Dale Jarrett Name

Dale Jarrett Likeness

Dale Jarrett Signature in any form

Licensed from Elliott Sadler Enterprises:

Elliott Sadler Name

Elliott Sadler Likeness

Elliott Sadler Signature in any form

**UNREGISTERED MB2 MARKS**

**MB2 Motorsports**

01 (Stylized Number)  
14 (Stylized Number)

**Licensed from Nemco Motor Sports, Inc.:**

Joe Nemechek  
Joe Nemechek Signature  
Front Row Joe  
[www.frontrowjoe.com](http://www.frontrowjoe.com)

**Licensed from Sterling Marlin Enterprises:**

Sterling Marlin  
Sterling Marlin Signature

**EXHIBIT 3****2006 NEXTEL, BUSCH AND CRAFTSMAN  
SERIES ENFORCEMENT SCHEDULE**

<b><u>DATE</u></b>	<b><u>CITY</u></b>	<b><u>VENUE</u></b>	<b><u>EVENT NAME</u></b>
03/25/06	Bristol, TN	Bristol Motor Speedway	Sharpie Mini 300
03/26/06	Bristol, TN	Bristol Motor Speedway	Food City 500
04/02/06	Martinsville, VA	Martinsville Speedway	Virginia 500
04/08/06	Forth Worth, TX	Texas Motor Speedway	O'Reilly 300
04/08/06	Forth Worth, TX	Texas Motor Speedway	Samsung/Radio Shack 500
04/21/06	Avondale, AZ	Phoenix International Raceway	Bashas' Supermarkets 200
04/22/06	Avondale, AZ	Phoenix International Raceway	Subway Fresh 500
04/29/06	Talladega, AL	Talladega Superspeedway	Aaron's 312
04/30/06	Talladega, AL	Talladega Superspeedway	Aaron's 499
05/05/06	Richmond, VA	Richmond International Raceway	Richmond 250
05/06/06	Richmond, VA	Richmond International Raceway	TBD
05/12/06	Darlington, SC	Darlington Raceway	Diamond Hill Plywood 200
05/13/06	Darlington, SC	Darlington Raceway	Dodge Charger 500
05/19/06	Concord, NC	Lowe's Motor Speedway	Quaker Steak & Lube 200

<u>DATE</u>	<u>CITY</u>	<u>VENUE</u>	<u>EVENT NAME</u>
05/20/06	Concord, NC	Lowe's Motor Speedway	NEXTEL All-Star Challenge
05/27/06	Concord, NC	Lowe's Motor Speedway	Carquest Auto Parts 300
05/28/06	Concord, NC	Lowe's Motor Speedway	Coca-Cola 600
06/02/06	Dover, DE	Dover International Speedway	Dover 200
06/03/06	Dover, DE	Dover International Speedway	MBNA 400
06/11/06	Long Pond, PA	Pocono Raceway	Pocono 500
06/17/06	Brooklyn, MI	Michigan International Speedway	Michigan 200
06/18/06	Brooklyn, MI	Michigan International Speedway	Michigan 400
06/25/06	Sonoma, CA	Infineon Raceway	Dodge/Save Mart 350
06/30/06	Daytona Beach, FL	Daytona International Speedway	TBD
07/01/06	Daytona Beach, FL	Daytona International Speedway	Pepsi 400
07/08/06	Joilet, IL	Chicagoland Speedway	USG Durock 300
07/09/06	Joilet, IL	Chicagoland Speedway	USG Sheetrock 400
07/15/06	Loudon, NH	New Hampshire International Speedway	New England 200
07/16/06	Loudon, NH	New Hampshire International Speedway	New England 300
07/23/06	Long Pond, PA	Pocono Raceway	Pennsylvania 500

<u>DATE</u>	<u>CITY</u>	<u>VENUE</u>	<u>EVENT NAME</u>
08/04/06	Indianapolis, IN	Indianapolis Raceway Park	Power Stroke Diesel 200
08/05/06	Indianapolis, IN	Indianapolis Raceway Park	Kroger 200
08/06/06	Indianapolis, IN	Indianapolis Motor Speedway	Allstate 400 at the Brickyard
08/12/06	Watkins Glen, NY	Watkins Glen International	TBD
08/13/06	Watkins Glen, NY	Watkins Glen International	TBD
08/19/06	Brooklyn, MI	Michigan International Speedway	Michigan 250
08/20/06	Brooklyn, MI	Michigan International Speedway	GFS Marketplace 400
08/23/06	Bristol, TN	Bristol Motor Speedway	O'Reilly Auto Parts 250
08/25/06	Bristol, TN	Bristol Motor Speedway	Food City 250
08/26/06	Bristol, TN	Bristol Motor Speedway	Sharpie 500
09/02/06	Fontana, CA	California Speedway	Ameriquest 300
09/03/06	Fontana, CA	California Speedway	Sony HD 500
09/08/06	Richmond, VA	Richmond International Raceway	Emerson Radio 250
09/09/06	Richmond, VA	Richmond International Raceway	Chevy Rock & Roll 400
09/16/06	Loudon, NH	New Hampshire International Speedway	Sylvania 200

<u>DATE</u>	<u>CITY</u>	<u>VENUE</u>	<u>EVENT NAME</u>
09/17/06	Loudon, NH	New Hampshire International Speedway	Sylvania 300
09/23/06	Dover, DE	Dover International Speedway	Dover 200
09/24/06	Dover, DE	Dover International Speedway	Dover 400
09/30/06	Kansas City, KS	Kansas Speedway	Yellow Transportation 300
10/01/06	Kansas City, KS	Kansas Speedway	Banquet 400
10/07/06	Talladega, AL	Talladega Superspeedway	TBD
10/08/06	Talladega, AL	Talladega Superspeedway	UAW-Ford 500
10/13/06	Concord, NC	Lowe's Motor Speedway	Dollar General 300
10/14/06	Concord, NC	Lowe's Motor Speedway	Bank of America 500
10/21/06	Martinsville, VA	Martinsville Speedway	Kroger 200
10/22/06	Martinsville, VA	Martinsville Speedway	Subway 500
10/28/06	Hampton, GA	Atlanta Motor Speedway	EasyCare Vehicle Service Contracts 200
10/29/06	Hampton, GA	Atlanta Motor Speedway	Bass Pro Shops MBNA 500
11/03/06	Forth Worth, TX	Texas Motor Speedway	Silverado 350
11/04/06	Forth Worth, TX	Texas Motor Speedway	O'Reilly Challenge
11/05/06	Forth Worth, TX	Texas Motor Speedway	Dickies 500

<u>DATE</u>	<u>CITY</u>	<u>VENUE</u>	<u>EVENT NAME</u>
11/10/06	Avondale, AZ	Phoenix International Raceway	Phoenix 150
11/11/06	Avondale, AZ	Phoenix International Raceway	Arizona.Travel 200
11/12/06	Avondale, AZ	Phoenix International Raceway	Checker Auto Parts 500
11/17/06	Homestead, FL	Homestead-Miami Speedway	Ford 200
11/18/06	Homestead, FL	Homestead-Miami Speedway	Ford 300
11/19/06	Homestead, FL	Homestead-Miami Speedway	Ford 400

**EXHIBIT 4**

**NOTICE**

Your Property Has Been Seized By Court Order.

The United States District Court for the Western District of North Carolina has ordered the seizure of goods bearing counterfeit marks which violate the rights of Motorsports Authentics, LLC, National Association For Stock Car Auto Racing, Inc., Speedway Motorsports, Inc., Speedway Properties Company, LLC, International Speedway Corporation, RCR Enterprises, LLC, Roush Corporation, Joe Gibbs Racing, Inc., Hendrick Motorsports, Inc., Jeff Gordon, Inc., Rusty Wallace, Inc., Penske Racing South, Inc., Penske Racing LLC, Dale Earnhardt, Inc., Evernham Motorsports, L.L.C., Robert Yates Racing, Inc., MB2 Motorsports, LLC, and/or Oakley, Inc.

Plaintiffs in this action will seek an order of destruction of these counterfeit marked items.

You are a Defendant in this Lawsuit.

You can contest this Lawsuit by:

1. identifying yourself. You will be issued a receipt specifying the number and kind of items seized;
2. at the time and place specified in the attached order, appearing in Court and making any claim you wish; and
3. obtaining a complete set of pleadings, motions and supporting papers in this lawsuit at no charge from Rodrick J. Enns, Esq., Enns & Archer LLP, 939 Burke Street, Winston-Salem, NC 27101

In addition to attending the hearing, you must file and serve an answer to the Complaint within twenty (20) days. **YOU SHOULD CONSULT AN ATTORNEY.**

**FAILURE TO CONTEST THIS ACTION WILL RESULT IN FORFEITURE OF THE PROPERTY SEIZED AND COULD RESULT IN THE ENTRY OF A DEFAULT JUDGMENT PERMANENTLY ENJOINING YOU FROM SELLING MERCHANDISE THAT VIOLATES THE RIGHTS OF MOTOSPORTS AUTHENTICS, LLC, NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING, INC., SPEEDWAY MOTOSPORTS, INC., SPEEDWAY PROPERTIES COMPANY, LLC, INTERNATIONAL SPEEDWAY CORPORATION, RCR ENTERPRISES, LLC, ROUSH CORPORATION, JOE GIBBS RACING, INC., HENDRICK MOTOSPORTS, INC., JEFF GORDON, INC., RUSTY WALLACE, INC., PENSKE RACING SOUTH, INC., PENSKE RACING LLC, DALE EARNHARDT, INC., EVERNHAM MOTOSPORTS, L.L.C., ROBERT YATES RACING, INC., MB2 MOTOSPORTS, LLC AND/OR OAKLEY, INC.**